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**Bayer HealthCare
Pharmaceuticals****RECEIVED
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To Commissioner for Patents

Fax (571) 273-8300 Pages 19 (including cover)

Date 13 March 2006

From William F. Gray

Fax (203) 812-6459 Tel. (203) 812-2712

E-Mail _____

Fax

SUBJECT: U.S. Application Serial No. 10/525,867
National Stage of PCT/US2003/013784
International Filing Date: 02 May 2003
Title: Dihydropyridine Derivatives for Use as Human
Neutrophil Elastase Inhibitors
Attorney Docket No.: Le A 36 253

Bayer Pharmaceuticals
Corporation400 Morgan Lane
West Haven, CT 06516**MESSAGE:**

Attached please find the following documents in connection with the above-identified case:

1. Response to Notification of Missing Requirements including a Petition for Four (4) Months Extension of Time [IN DUPLICATE] (total 4 pages);
2. Copy of Form PCT/DO/EO/905 (2 pages); and
3. Four (4) sets of the Declaration executed by the inventors (total 12 pages)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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ORIGINAL

Attorney Docket No. Le A 36 253

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 13 2006

National Stage in the U.S. of

International Application No.: PCT/EP03/09120

International Filing Date: 08/18/2003

U.S. Application No.: 10/525,867

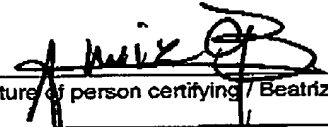
First Named Inventor: Heike Gielen-Haertwig

Title: Dihydropyridine Derivatives for Use as Human Neutrophil Elastase Inhibitors

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted, on the date shown below, to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Central Fax Number (571) 273-8300.

Date: **MAR 13 2006**


Signature of person certifying / Beatriz Alviz

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 09/14/2005. A copy of Form PCT/DO/EO/905 is attached.

DECLARATION BY THE INVENTORS

No declaration by the inventors was filed. Attached are four (4) sets of the declaration executed by all the inventors of this application (35 U.S.C. 371 (c)(4)).

COMPLETION FEES

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e)) \$130.00.

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ADDITIONAL CLAIMS FEE

Applicants hereby submit the additional claims fee in the amount of **\$810.00** as described below:

- **\$450.00** for 9 total claims over 20; and
- **\$360.00** for multiple dependent claim surcharge.

EXTENSION OF TIME

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(4), for one (4) months.

Fee **\$1,590.00**

If an additional extension of time is required, please consider this a petition therefor.

TOTAL FEE DUE

The total fee due is:

Completion fees	\$ 130.00
Additional claims fee	\$ 810.00
Extension fee (if any)	<u>\$1,590.00</u>
Total Fee Due	\$2,530.00

PAYMENT OF FEES

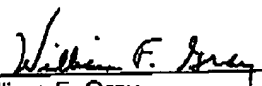
The Commissioner is hereby authorized to charge Deposit Account No. **13-3372** in the amount of **\$2,530.00** for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

Date: *13 March 2006*

Registration No. 31,018

Phone: (203) 812-2712


William F. Gray
Attorney for Applicant(s)
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516-4175

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01 FC:1617	130.00 DA
02 FC:1615	450.00 DA
03 FC:1616	360.00 DA
04 FC:1254	1590.00 DA

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,867	Heike Gielcn-Haertwig	Le A 36 253
INTERNATIONAL APPLICATION NO.		
PCT/EP03/09120		
LA. FILING DATE	PRIORITY DATE	
08/18/2003	08/27/2002	

35969
JEFFREY M. GREENMAN
BAYER PHARMACEUTICALS CORPORATION
400 MORGAN LANE
WEST HAVEN, CT 06516

CONFIRMATION NO. 2121

371 FORMALITIES LETTER



OC000000016997784

Date Mailed: 09/14/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/25/2005
- Copy of the International Search Report filed on 02/25/2005
- Copy of IPE Report filed on 02/25/2005
- Preliminary Amendments filed on 02/25/2005
- Information Disclosure Statements filed on 02/25/2005
- Request for Immediate Examination filed on 02/25/2005
- U.S. Basic National Fees filed on 02/25/2005
- Priority Documents filed on 02/25/2005
- Power of Attorney filed on 02/25/2005
- Specification filed on 02/25/2005
- Claims filed on 02/25/2005
- Abstracts filed on 02/25/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$810 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

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- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$940** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 810**
 - **\$450** for 9 total claims over 20.
 - **\$360** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,867	PCT/EP03/09120	Le A 36 253

FORM PCT/DO/EO/905 (371 Formalities Notice)

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